

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Dale A. Moss

Debtor(s)

KeyBank, NA s/b/m First Niagara Bank, NA
Movant

v.

Dale A. Moss

Respondents

and

Ronda J. Winnecour, Trustee

Additional Respondents

BK. NO. 20-22649 JAD

CHAPTER 13

Related to Docs. 26, 31

Hearing Date: 6/23/21 at 10:00 a.m.

STIPULATION AND ORDER

AND NOW, come the undersigned parties, by and through their respective counsel, and enter into the follow Stipulation:

WHEREAS, KeyBank, NA s/b/m First Niagara Bank, NA has filed a motion for relief from stay due to delinquent mortgage payments on the mortgage secured by Debtor's real property at 634 Stamford Drive, Greensburg, PA 15601 (Doc. 26);

WHEREAS, Debtor(s) has filed a response opposing relief from the automatic stay (Doc. 31);

WHEREAS, Debtor is currently delinquent in payments to the Chapter 13 Trustee in the amount of \$4,998.00;

WHEREAS, Debtor mailed a check to the Chapter 13 Trustee's Office on Friday, June 18, 2021 in the amount of \$4,900.00;

WHEREAS, the parties enter into this Stipulation to resolve the motion for relief from the automatic stay.

AND NOW, it is hereby stipulated by and between the undersigned as follows:

1. The automatic stay is terminated as it affects the interests of the Movant with respect to Debtor's real property at 634 Stamford Drive, Greensburg, PA 15601, provided however, that relief from stay is stayed in accordance with the conditions set forth in Paragraphs 2-6, below.

2. On a go-forward basis from and after the date of the Order approving this Stipulation, the Debtor shall timely make full plan payments to the Chapter 13 Trustee, on or before the date upon which the respective plan payment is due.

3. Time is of the essence as to all plan payments going forward.

4. For the duration of this bankruptcy case, in the event that the Chapter 13 Trustee has not received a full plan payment by the last day of the month in which the Debtor's payment is due, as indicated by the Chapter 13 Trustee's online records, then the stay provided in Paragraph 1, above, shall be vacated and the automatic stay unconditionally lifted as it affects the interests of the Movant with respect to Debtor's real property at 634 Stamford Drive, Greensburg, PA 15601, upon the filing of a Certification of Default by Movant, without further hearing or without entry of an additional order, if Debtor has failed to cure the default fifteen (15) days after written notice of default to Debtor's counsel.

5. Relief from the automatic stay shall be effective immediately upon conversion of Debtor's case to a case under Chapter 7.

6. In the event that the automatic stay is terminated as provided by this Order, then the Trustee shall make no further disbursements to Respondent on account of its secured claim, unless directed otherwise by further Order of Court.

Consented to by:

/s/ Corey J. Sacca

Corey J. Sacca, Esq., PA ID # 306741
Bononi & Company, P.C.
20 N. Pennsylvania Ave., Ste. 201
Greensburg, PA 15601
Phone: (724) 832-2499
Email: csacca@bononilaw.com

/s/ Maria D. Miksich

Maria D. Miksich, Esq., PA ID 319383
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106
Phone: (412-430-3589)
Email: mmiksich@kmlawgroup.com

It is hereby ORDERED that the parties' Stipulation be and hereby is APPROVED and the hearing scheduled for June 23, 2021 at 10:00 a.m. is CANCELLED.

By the Court,

_____. J.

